

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:
THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the
Commonwealth and ERS.**

**REPLY OF THE COMMONWEALTH OF PUERTO RICO TO THE RESPONSE FILED
BY EVELYN RAMIREZ MONTES [ECF NO. 19409] TO THE THREE HUNDRED
NINETY-FIFTH OMNIBUS OBJECTION (NON-SUBSTANTIVE) OF THE
COMMONWEALTH OF PUERTO RICO AND THE EMPLOYEES RETIREMENT
SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO
TO CLAIMS ASSERTING DUPLICATE LIABILITIES**

To the Honorable United States District Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”) and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS,” and together with the Commonwealth, the “Debtors”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Debtors pursuant

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA” and together with the Commonwealth, COFINA, HTA, and ERS, the “Debtors”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² file this reply (the “Reply”) to the untitled response [ECF No. 19409] (the “Ramirez Montes Response”) filed by claimant Evelyn Ramirez Montes (“Ramirez Montes”) to the *Three Hundred Ninety-Fifth Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Claims Asserting Duplicate Liabilities* [ECF No. 18959] (the “Three Hundred Ninety-Fifth Omnibus Objection”). In support of this Reply, the Debtors respectfully represent as follows:

1. On October 29, 2021, the Debtors filed the Three Hundred Ninety-Fifth Omnibus Objection seeking to disallow claims that are substantively duplicative of other proofs of claim filed in the Title III Cases, each as listed on Exhibit A thereto (collectively the “Claims to Be Disallowed”). As set forth in Three Hundred Ninety-Fifth Omnibus Objection and exhibits thereto, the Claims to Be Disallowed assert the same liabilities against the Commonwealth and/or ERS as the claims identified in the column titled “Remaining Claims” on Exhibit A thereto (each a “Remaining Claim” and collectively, the “Remaining Claims”).

2. Any party who disputed the Three Hundred Ninety-Fifth Omnibus Objection was required to file a response by 4:00 p.m. (Atlantic Standard Time) on November 29, 2021 in accordance with the Court-approved notice attached to the Three Hundred Ninety-Fifth Omnibus Objection as Exhibit C, which was served in English and Spanish on the individual creditors subject to the Three Hundred Ninety-Fifth Omnibus Objection, the U.S. Trustee, and the Master Service List (as defined in the *Fifteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 17127-1]). *See Certificate of Service* [ECF No. 19074].

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

3. The Response consists of a completed information request form that was filed with the Court on December 1, 2021, and docketed as ECF No. 19409 on the same day. Therein, Ramirez Montes does not dispute that the Ramirez Montes Claim asserts liabilities that are duplicative of the liabilities asserted by a second proof of claim filed by Ramirez Montes against the Commonwealth on September 23, 2019, and logged by Prime Clerk as Proof of Claim No. 28121 (the “Remaining Ramirez Montes Claim”). Indeed, the Ramirez Montes Response specifically asserts liabilities in the same amount—\$17,625—and with the same alleged basis, an allegedly accrued, but unpaid, monthly salary adjustment of \$375, as the Remaining Ramirez Montes Claim.

4. Accordingly, the Ramirez Montes Claim should be disallowed. Ramirez Montes will not be prejudiced by the disallowance of the Ramirez Montes Claim, because she will retain the Remaining Ramirez Montes Claim as asserted against the Commonwealth. The Debtors reserve the right to object to the Remaining Ramirez Montes Claim on any other basis whatsoever.

5. For the foregoing reasons, the Debtors respectfully request that the Court grant the Three Hundred Ninety-Fifth Omnibus Objection and reclassify the Ramirez Montes Claim, notwithstanding the Ramirez Montes Response.

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Dated: February 2, 2022
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

Hermann D. Bauer

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